

REMARKS/ARGUMENT

Claims 2, 7-14, and 16 are pending in this application. Claims 2, 7-10 and 16 are allowed. Claims 11-14 stand rejected. In light of the remarks set forth below, Applicants respectfully submit that each of the pending claims are in an immediate condition for allowance.

Claims 11-14 stand rejected under 35 U.S.C. §103(a) as being as unpatentable under U.S. patent number 5,534,913 (“Majeti”) in view of U.S. patent number 5,859,662 (“Cragun”). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Among the limitations of independent claims 11 not present in the cited references is the first and second broadcast stream being independent of each other.

The Office Action asserts that the broadcast streams in Majeti are independent and cites to column 4 lines 20-24. However, the cited portion of Majeti discusses the multiplexing of various channels into television bandwidth signals. These different channels are not the first and second broadcast stream explicitly recited in Applicant’s claim. The channels in Majeti are broadcast over on a conventional television cable 36. The conventional television cable 36 is only one broadcast stream. Thus, while these channels are separate, they are not independent broadcast streams. Therefore the multiple channel broadcast on the cable are not the first and second broadcast stream recited in Applicant’s claim.

Additionally, Majeti discloses that the data is multiplexed. The statement of multiplexing data means that the signal of one of the paths is selectively allowed to pass through. Majeti does not disclose that there are various input lines, each one of the various lines containing bits of the data, the lines being multiplexed together so that all of the data is combined (demultiplexed) onto a single line or complete data files. Majeti merely discloses that a control processor determines whether or not data should be transmitted over the public switch telephone network or via the cable distribution system. As such, there are not multiple independent streams disclosed in Majeti.

Further, Majeti does not disclose sending two independent broadcast streams as asserted on page 3 of the Office Action. The Office Action refers to column 8 lines 39-67 and column 9 lines 1-35 of Majeti for this proposition. This cited portion of Majeti relates to a system whereby information can be transmitted “via the modem link over the public switch telephone network 24 or via the cable television distribution system utilizing the larger bandwidth channel carried by cable 36 to the user’s customer premise equipment 20.” See column 9 lines 24-28 (emphasis added). Thus, data is only sent via a single broadcast stream and not multiple independent broadcast streams as asserted in the Office Action.

Finally, the Office Action recognizes that Majeti fails to disclose an arbitrary portion of one of said broadcast streams is cut and then transferred onto a communication route. The Office Action asserts that Cragun discloses capturing portions of a broadcast for future viewing. Applicants assert that Cragun does not disclose capturing portions of the broadcast for future viewing but the entire

broadcast. Thus, there is no teaching in Cragun to capture only portions of a broadcast for future viewing or multiple broadcast stream. As such, the combination of Cragun and Majeti failed to disclose the invention of claim 11 and, Majeti fails to cure the deficiencies discussed above. Therefore, Applicant respectfully submits that claim 11 is allowable over the cited references.

Claims 12-14 depend from and include additional limitations which, in addition to the patentable limitations in claim 11 are also patentable. As such, Applicant respectfully submits that claims 12-14 are allowable over the cited references.

Applicants have responded to all of the rejections recited in the Office Action. Reconsideration and a notice of allowance for all the depending claims is therefore respectfully requested. In view of the above, each of the presently pending claims in this application is an immediate condition for allowance. Accordingly, the Examiner's is requested to withdraw the outstanding rejection and pass this application to issue.

If the Examiner believes an interview in view of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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